APPLICANT ARGUMENTS OR REMARKS

Claims 1-14 and 16-21 are now in the application. Claims 21 and 22. Claims 1, 11 and 21 are independent claims.

Response to Response to Arguments

Failure to rebut applicants' arguments

The Office Action of April 17, 2008 states that applicants' arguments of 1/16/2008 have been fully considered. The question of how Karaali's "tag-context knowledge database" is equivalent to applicants' claimed context database does, however, not appear to have been addressed.

As stated in the response of 1/16/2008, Karaali's local context is essentially the probability that a token (a.k.a. a word) is a particular tag (a.k.a. a part of speech) depending on the token it precedes or it is preceded by. This probability is determined by corpus analysis, i.e., by the examination of a selected body of text material. (col. 5, lines 1-10). Karaali's "tag-context knowledge database" is, therefore, a fixed database containing an unchanging list of tokens and the probabilities they take a particular tag as a function of the tokens that occur before and after them in a sentence.

Applicants' claimed invention, in contrast, contains a context database that is a dynamic database that contains local elements such as time, date and location as well as real world elements such as results of sporting events, the status of stock market indices, etc. that are changing often, if not constantly[0047]. These context elements are used to provide a setting or circumstances in formulating the response selected from the statement-response database. [0050].

Karaali's fixed content, tag-context database uses the word context in the technical sense of the words on either side of the given word. Applicants' context database in applicant's claimed invention uses the term context to describe the changing setting or circumstances in which a response may be appropriate.

The previous Office Action admitted that Stubbe did not disclose a context database.

Applicants submit that as the Office Action's Response to Arguments does not show how Karaali's tag-context database is a context database in the sense intended by the applicants and supported by their specification as filed, the Office Action has failed to rebut

applicants' previous argument. Applicants, therefore, request that this Office Action be made non-final, the previous rejection be withdrawn and that the applicants' claims 1 and 11 be allowed.

As claims 2-10 and 12-14 and 16-20 depend from, and include all the limitations, of an allowable claim, applicants request that they be allowed.

Response includes boiler plate rejections of arguments never made

The Office Action's sections 5, 6 and 7 are boiler plate rejections of arguments that the applicants never made. While welcoming the knowledge that these boiler plate rejections contain, applicants are concerned that the inclusion of rejections of arguments not made by applicants is indicative of the standard of care being exercised in examining this application. Applicants, therefore, note this unusual inclusion in an Office Action.

Claim Rejection Under 35 U.S.C. 103(a)

The Office Action rejects claims 1, 6, 7, 8, 10, 11, 16, 17, 18 and 20 as obvious over Strubbe (US Patent 6,721,706) in view of Karaali et al. (U.S. Patent 6,182,028) and further in view of Kay (U.S. Patent 6,430,602).

The Office Action (page 5) allows that Strubbe fails to specifically disclose a context database. However, the Office action continues and asserts that Karaali (col. 4, line 64 – col. 5, line 10) teaches a context database.

Prior art does not disclose limitation of a context database

Applicants submit that Karaali discloses a tag-context database that is not an equivalent of the context database of applicants' claimed invention. Karaali's "tag-context database" is essentially an unchanging listing of tags (words) and the empirical, statistical frequency that they follow or precede other tags. Applicants claimed "context database", in contrast, is a dynamic database of real-world elements such as temperature, game scores, stock indices that change often or continuously so the context database is frequently updated, as detailed in the specification [0076]. Merely using the word "context" as part of the name of a static, precompiled database does not make it an equivalent of an updatable, dynamic database.

Karaali does not disclose applicants' claimed limitation of a context database, and the Examiner does not show anywhere else in the cited prior art that applicants claimed limitation of a context database. the Office Action fails to show all the limitations of applicants' claimed invention as required in a prober rejection under 35 USC 103. Applicants, therefore, request that this rejection be withdrawn and that claims 1 and 11 be allowed.

As claims 2-10 and 12-14 and 16-20 depend from, and include all the limitations, of an allowable claim, applicants request that they be allowed

Prior art does not disclose limitation of using said at least one context element to select a response

The Office Action admits that Strubbe and Karaali do not specifically disclose using context concepts to retrieve information. The Office Action asserts that Kay discloses (Col. 5, lines 23-40) using context concepts to retrieve information.

Kay discloses a method and system for interactively responded to instant message (IM) requests. In one embodiment of Kay's system, a message server receives an IM request from a known user. The message server may then reformat the request and may include information from a profile of the known user in that reformatted request. The reformatted request may then be sent to an appropriate server to be processed. The result from the server may be then be reformatted and returned to the user. In Col. 5, lines 23-40, Kay discloses using information in the requests to update the user's profile. The example given is a request for information in a particular location. The message server may then use that location to update the users profile's preferred location. That updated information may then be added future requests that do not specify location but would benefit from having a location specified.

Applicants submit that while Kay may disclose "using context concepts to retrieve information", applicants claim limitation is "using said at least one context element to select a response".

Kay discloses using data from a request to update a user profile, and the use of information from a user's profile to modify an IM request to make it more appropriate for being sent to a server as a request. Kay does not disclose using a context element to select one possible response from a number of possible responses as being the most suitable response in a given setting or circumstance, i.e., context, as defined by the context element.

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Kay does not, therefore, teach the element lacking in Strubbe and Karaali, of "using said at least one context element to select a response".

Neither Strubbe, Karaali or Kay, individually or combined, teach or suggest all the claimed elements of applicants independent claims 1 and 11 as required in a proper 35 USC 103 rejection. Applicants, therefore, request that this rejection be withdrawn and that claims 1 and 11.

As claims 2-10 and 12-14 and 16-20 depend from, and include all the limitations, of an allowable claim, applicants request that they be allowed.

New Claims

New independent claim 21 has been added. Applicants submit that no new matter has been added.

Summary

Therefore in view of the foregoing amendments and remarks, applicant respectfully requests entry of the amendments, favorable reconsideration of the application, withdrawal of all rejections and objections and that claims 1- 14 and 16-21 be allowed at an early date and the patent allowed to issue.

Respectfully submitted,

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